

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8027 of 1997
with
SPECIAL CIVIL APPLICATION NO. 545 OF 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ASHOK N VASAVA

Versus

REGIONAL DIRECTOR (ONGC)

Appearance:

MR MAHENDRA K PATEL for Petitioners
MR. VYAS FOR M/S TRIVEDI & GUPTA for Respondent
No. 1 & 2
RULE SERVED for Respondent No. 3
MR B.T. RAO for Respondent No. 4

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 26/11/98

ORAL JUDGEMENT

In both these Special Civil Applications the say

of the petitioners is that they are contract workers of ONGC. The grievance voiced is that the respondents have not deposited provident fund money in their respective Provident Fund Account and they are not following the payment of Bonus Act for at least minimum statutory, mandatory, compulsory bonus (8.33%) and they are not paying the minimum wages. A reply has been filed on behalf of ONGC by one Shri V.R.G. Nair, Senior P & A Officer. It is stated that the petitioners are not employees of the Corporation and as such there is no relationship of employer and employee between them. It is further stated that the petitioners might have been engaged by the concerned contractor for discharging their contractual obligation of executing the subject job contracts.

So far as the grievance with respect to depositing of provident fund money is concerned, it is stated by Mr. Vyas, learned counsel appearing for the ONGC that they have been informed by the office of the Provident Fund vide communication dated 13.2.1998 that the outstanding provident fund dues have been cleared and deposited in the department. A photostat copy of the letter dated 13.2.1998 is placed on record. The learned counsel appearing for the petitioners says that all the contractors have not deposited the provident fund amount due. Mr. Vyas learned counsel appearing for the ONGC submits that if there is any grievance of the petitioners they can always approach the ONGC as well as the Provident Fund Department. It is assured that if they approach, their grievance will be looked into in right perspective. With respect to the provident fund it is further directed that the Provident Fund Commissioner or any other concerned authority of the department will look into the grievance of the petitioners. It goes without saying that all the parties will co-operate.

So far as the grievance with respect to minimum wages is concerned, a direction has been given in identical matter being Special Civil Application No. 7649 of 1998 decided on 14.10.1998. The respondent ONGC will ensure that the petitioners are paid minimum wages in accordance with the Central Government Notification dated 1.4.1998.

So far as the grievance with respect to bonus is concerned, it is agreed by both the parties that the same issue is involved in another Special Civil Application No. 7651 of 1998 and they will be governed by the decision in that application.

In view of the aforesaid, both the Special Civil Applications are disposed of as indicated above.

(N.N. MATHUR, J)

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